



REGULAR MEETING MINUTES

for

Wednesday, October 27, 2004

**4:00 P.M. – Council Chamber Boardroom
and**

**5:30 P.M. - Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 P.M.

1) Roll Call

Present: Commissioners, Corral, Garcia, Gardner, Huerta, Percy, Ward, and Quinto

Absent: Commissioners Brewer and Davidson

2) Public Comment

There were no public comments.

3) Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:11 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1) 03-071	PC-03-269-064	5) 04-027	PC-04-113-098
2) 03-079	PC-03-297-278	6) 04-030	PC-04-121-144
3) 04-003	PC-04-019-175	7) 04-035	PC-04-145-260
4) 04-013	PC-04-051-215	8) 04-036	PC-04-150-007

The Commission recessed at 5:25 p.m. to reconvene in the Council Chambers at 5:30 p.m.

OPEN SESSION – 5:30 P.M.

**The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (951) 826-5509.**

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

Roll Call

Present: Commissioners, Corral, Garcia, Gardner, Huerta, Pearcy, Quinto, and Ward

Absent: Commissioners Brewer and Davidson

4) Approval of Minutes

Commissioner Pearcy moved to approve the minutes for the August regular meeting. Commissioner Garcia seconded the motion. Commissioner Quinto moved to approve the minutes for the September 8 case review meeting. Commissioner Garcia seconded the motion. Both motions passed 7 for, 0 against, 0 abstentions.

5) Executive Director's Report & Comments

Mr. Williams presented Mr. Bill Howe and Mr. Bill O'Meara with plaques expressing the Commission's appreciation for their service on the Commission. Chairman Gardner also thanked them for their service.

6) Commissioner's Comments

Commissioner Quinto said that she learned a lot at the NACOLE conference and would have a report for the Commission in November.

Chairman Gardner commented on a pro- and anti-Measure II debate that he said ended up being mini town hall discussion in which he participated. He also said that he spoke during public comment portion of the council meeting as a citizen, not a commissioner and expressed his concern and disappointment that none of city's elected officials stood up to speak out against RPOA's flyer.

7) Public Comments

There were no public comments.

8) Volne Stokes Officer-Involved Death Case

Officer Tina Banfill Gould appeared before the Commission in response to the Commission's subpoena. Officer Gould appeared with her attorney, Mr. Michael Lackey. Mr. Jim Touchstone was special counsel for the Commission.

Chairman Gardner thanked Officer Gould for appearing and said the Commission simply wants to understand what she saw heard, etc., and has no interest in statements she gave or did not give.

Mr. Lackey stated that Officer Gould would not make a voluntary statement and would not answer questions, so there was no need to swear her in.

Mr. Touchstone asked Mr. Lackey if Officer Gould would assert her 5th Amendment rights in response to any questions posed by the Commission. Mr. Lackey said that was the case with regard to substantive questions, but that Officer Gould would assert her right to not answer non-substantive questions under Government Code Section 3300 because as a peace officer, she can only be questioned by another peace officer, a commander of her department.

Mr. Touchstone then addressed the Commission saying that Officer Gould's position was clear in that she would not answer any of the Commission's questions.

Chairman Gardner thanked Officer Gould for appearing.

Mary Shelton said that she was disturbed that an officer would plead the 5th and said RPD still thinks that they can do whatever they want. She said she was disturbed, but not surprised.

Commissioner Huerta asked that the list of questions for Officer Gould be placed in the public minutes. She said she was very disappointed because she thought the job of the RPD and the CPRC was to seek the truth and that the Department's goal is not the same as the Commission's.

Mr. Williams asked counsel if there was another step in the process. Mr. Touchstone said that nothing superseded Officer Gould's 5th Amendment rights, but that there might be other issues for the Commission to consider with regard to a response, but didn't think it should be discussed at this time.

Commissioner Garcia said he was disturbed that the Commission couldn't get answers that would assist in giving the community answers.

Commissioner Corral said she was extremely upset and noted that the commissioners have worked long and hard on this case. She said she was also upset by laughter when Chairman Gardner spoke about the RPOA flyer.

Chairman Gardner asked the Commission to think about the public report because it would be up for discussion at next meeting.

Commissioner Ward expressed disappointment with the RPD. He said he understands that an officer has the right to plead the 5th, but doesn't understand. Someone in the city has the authority to oversee the RPD – RPD can't govern itself. He also said that a message needs to go to the community that whoever is responsible needs to get a handle on the RPD and he feels the Commission is not the vehicle to do that. He said that RPD has a responsibility to manage and control its people and that the city is either unwilling or unable to exercise control over the officers it employs. He said that it's frightful that RPD has carte blanche to do what it wants.

Commissioner Corral said she agreed with almost everything said by Commissioner Ward, but believes that the Commission is the vehicle and thinks that's why RPOA came out with the vicious ad in the paper. She said that police officers can't police themselves.

Tammy McCoy, a reporter for the Press Enterprise, asked if the Commission was going to respond to Mr. Lackey's stance. Chairman Gardner said it would be on the next CPRC agenda.

Mr. Williams said it may be that the Commission can't do anything more than it's already done. Commissioner Huerta said she hoped that the Commission would discuss its options with counsel before any statements are made as to what the Commission can do. Chairman Gardner said that the vehicle for challenge is Superior Court.

Commissioner Percy said that the gauntlet has been thrown down, but that the Commission can't respond until it speaks with counsel. He said that part of the Commission's role is to investigate officer-involved deaths. He also said that an alternate avenue to explore is having the officer compelled by the Department. He noted that this is not new and that other commissions in the state do this.

The commissioners discussed having a special meeting on Friday, November 5th, in which the Commission would meet with the City Attorney and special counsel. Because of Brown Act issues, it was decided that the 5th was too soon. Chairman Gardner said that a meeting would be held as soon as possible about what actions the Commission could take. Commissioner Huerta said she wants a broad diversity of options and doesn't want Commission to be limited, but wants to be able to pursue all options legally available through the charter and through the law.

9) Rene Guevara Officer-Involved Death Case

Commissioners were asked to review the draft they had just been given and to notify staff of any questions or concerns they might have.

10) Committee Reports

A) Outreach Committee – Commissioner Percy, Chair Commissioner Percy

- reported to the Commission that he spoke before the Sycamore Canyon Homeowners Advisory Council and the Casa Blanca Community Action Group;
 - said it is clear that the Commission's message is not falling on deaf ears;
 - said there are still many misperceptions about the Commission;
- wanted to make sure that all commissioners know they can participate in outreach efforts.

Chairman Gardner said that he attended the Fiesta de la Familia and spoke to people about the Commission.

Commissioner Quinto said that she attended the League of Women Voters forum and was surprised at how few people knew about the complaint process.

Commissioner Corral said she attended a meeting hosted by the Riverside Coalition for Police Accountability. She said there were about 50 people there in support of the CPRC.

Commissioner Garcia said he has received calls from new voters asking about the Measure II.

Commissioner Huerta said she spoke to her co-workers about Measure II. She said she had assumed that they knew what she and the Commission was about. She said they were "astonished" at what the Commission's charge is and what it does. She said the physicians she works with are taking the message to their friends regarding the Commission.

B) Budget Committee – Commissioner Garcia, Chair

Commissioner Garcia told the Commission that the committee is looking at grants for future efforts.

C) Policy & Procedures Review Committee – Jack Brewer, Chair

Chairman Gardner reported to the Commission that there was no report because the committee chair was on vacation.

11) NACOLE Conference

Chairman Gardner asked if any attendees wanted to report on the conference or wait for the formal report.

Commissioner Garcia said he brought back lots of information and had information to pass on to Commissioner Quinto for her report. He said it was an excellent opportunity to learn about how other boards and commissions work.

Commissioner Percy said he would also be giving notes to Commissioner Quinto. He said that Riverside probably wouldn't get the conference in '06. He said that a change had been made in how the board awards the conference and that a written proposal now has to be submitted. He noted that there is tough competition for the conferences and that opportunities are now on a three-year cycle: west, Midwest, and east. He said that the next western conference would probably be Pacific Northwest – Seattle, Portland, or Boise – since '03 conference was in L.A. He also said the Commission need to raise its profile in NACOLE by getting Mr. Williams on the NACOLE board. He said it was also clear that other conference hosts seems to have greater support their city but surrounding areas and the CPRC doesn't have that kind of support, but can try for '09.

Commissioner Huerta asked if it wouldn't be good to submit a proposal for '06 anyway. Commissioner Percy said he would be good to do just to let them know Riverside is interested. Mr. Williams said the "goody bags" they took with them helped. He said that the Commission might not have other government agencies that could help, but that community groups could help.

Commissioner Quinto said that Riverside has the Ben Clarke Training Center as a carrot to dangle in front of the board, noting that incredible things could be done through the training center.

The Commission adjourned at 6:31 p.m.

Respectfully submitted,


PHOEBE SHERRON
Sr. Office Specialist

Banfill Questions in Stokes Shooting Case

1. Would you please state your name for the record?
2. How are you employed?
3. Were you so employed on May 27, 2003?
4. How did you come to be at the intersection of Marguerita and Esparanza on that date?
5. What did you observe as you approached to the scene in your car?
6. Did you immediately identify the car and subject (Stokes) as the subject of the call?
7. Did Mr. Stokes make eye contact or indicate in any way that he was aware of your presence as you approached his vehicle?
8. What did Stokes say, if anything, when you arrived at his car door?
9. When did you first notice the knife and screwdriver that he eventually got out of the car holding?
10. What was Mr. Stokes' demeanor prior to getting out of his car?
11. Did Mr. Stokes' demeanor change when Officer Brown arrived on the scene?
12. As you pulled to the location where you eventually parked, did you have contact of any kind, with any person other than Mr. Stokes?
13. What information had you received from the dispatcher prior to your arrival on the scene?
14. Did Mr. Stokes say anything to you and or Officer Brown before or after he got out of his car?
15. When did Stokes drop his knife and when did he drop his screwdriver?
16. Was there anything about the call that made you uneasy or suspicious?
 - a. Did you hear dispatch say, "Unknown if correct plate?"
 - b. Why did you park where you did?
17. Who was the control officer and who was the cover officer?
 - a. Could you explain those roles to the Commission?
18. Did you know Officer Brown's ETA? If so, how?
19. Did you exit your vehicle immediately upon arrival?

20. Did you walk directly toward the driver's side door, or did you circle in one direction or another?
21. As Mr. Stokes was in the car could you see his hands?
 - a. Where were they?
 - b. Was there anything about his hand movement that made you uneasy?
22. Was his window up or down?
23. Was his car running?
24. What was the weather like – hot?
25. Did you give Mr. Stokes any verbal commands while he was still in the car?
26. How much time elapsed from when you got to the vicinity of his car and the time he got out?
27. When Mr. Stokes got out, how far away from his door were you?
 - a. At what angle to his door were you?
28. Describe how he was holding the knife and screwdriver.
 - a. Were they up?
 - b. Pointed toward you?
 - c. Threatening in some other way?
29. After he got out of the car, what did he do?
30. If he was walking toward you, did he seem focused on you?
31. How fast was he walking?
 - a. Was he walking *directly* toward you?
 - b. Did he have eye contact?
32. Were you giving verbal commands?
33. Describe your movement.
 - a. Were you walking backwards?
 1. How fast?
34. At what point did you draw your pistol?
 - a. How far away from you was he at that time?
35. Was there any change in his demeanor after you drew your pistol?
36. At what point did Officer Brown arrive?
37. From what direction did he come?
38. Did it appear that after Officer Brown arrived Mr. Stokes changed his focus from you to Officer Brown?

39. What did Officer Brown say to Mr. Stokes?
40. Did Officer Brown talk to you?
41. Did you talk to Officer Brown, before shots were fired?
42. After Officer Brown arrived was there any change in the movements of Mr. Stokes?
 - a. Was there any apparent change in his demeanor?
 - b. Did he say anything to Officer Brown?
43. Who shot first, you or Officer Brown?
44. Describe (diagram) where you were, where Officer Brown was, both police vehicles, and where Mr. Stokes was at the time the first shot was fired.
45. When you fired, how far away from Mr. Stokes were you?
46. In what direction was Mr. Stokes going when you fired?
47. When you fired, were you looking at Mr. Stokes at an angle, such as at his left side?
48. How many rounds did you fire?
 - a. Were they in rapid succession, or were there pauses between rounds?
 - b. What was your point of aim?
 - c. Did you have a sense of what was down-range?
 1. Did you perceive of any cross-fire issues?
49. Could you see rounds striking Mr. Stokes?
 - a. Where on his body?
 - b. Whose rounds?
50. What did Mr. Stokes do after the shooting started?
 - a. Describe whether he fell forward or backward, or both.
51. Did he at any time say anything, or make any other verbal noises?
52. Would you have handled the call differently if Dispatch had told you:
 - a. The vehicle was reported stolen;
 - b. The suspect was possibly armed with a knife;
 - c. The suspect was mentally ill.